

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MARLENE M. LUZIER,</b>	:	<b>CIVIL ACTION NO. 1:06-CV-1590</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>PENNSYLVANIA DEPARTMENT OF</b>	:	
<b>LABOR AND INDUSTRY, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 14th day of February, 2007, upon consideration of *pro se* plaintiff's motion to compel (Doc. 14), seeking an order of court compelling defendants to respond to her request for production of documents,<sup>1</sup> to which defendants did not file an opposition,<sup>2</sup> and it appearing that no documents exist in possession of defendants to respond to plaintiff's second request for production of documents (see Doc. 14, attach. 4), and that plaintiff's first request<sup>3</sup> *may* be overly broad and not "relevant to the claim[s]" in the above-captioned action, see FED. R.

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<sup>1</sup> The motion also seeks, in the alternative, summary judgment in favor of plaintiff. (See Doc. 14 at 4.) Plaintiff did not comply with Local Rule 56.1, nor did she file a brief in support of the motion. Therefore, a motion for summary judgment is not properly before the court.

<sup>2</sup> The court notes that plaintiff did not file a brief in support of the motion and, thus, did not trigger defendants' obligation to file a brief in opposition. See L.R. 7.5, 7.6.

<sup>3</sup> Plaintiff's first request for production of documents seeks "[a]ll Work Opportunity Tax Credit (WOTC) Applications processed during plaintiffs [sic] tenure with the Workforce Development Partnership as Work Opportunity Tax Credit auditor." (Doc. 14, attach. 4.)

Civ. P. 26(b)(1), it is hereby ORDERED that the motion to compel (Doc. 14) is

DENIED in part as follows:

1. The motion to compel (Doc. 14) is DENIED to the extent that plaintiff seeks to compel defendants to respond to plaintiff's second request for production of documents.
2. The court will defer ruling on plaintiff's first request for production of documents pending further briefing.
  - a. Defendants shall be permitted to file, on or before February 28, 2007, a brief in opposition to the motion to compel. Defendants shall specifically address their claims that plaintiff's first request is overly broad and not relevant to plaintiff's claims. Failure to file a brief in opposition shall result in the motion being deemed unopposed. See L.R. 7.6.
  - b. Plaintiff shall be permitted to file, on or before March 14, 2007, a brief in reply.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge